

Apr. 12. 2007 12:30PM

No. 2605 P. 1

RECEIVED
CENTRAL FAX CENTER

D. PETER HOCHBERG CO., L.P.A.

ATTORNEYS AT LAW

1940 EAST 6TH STREET
CLEVELAND, OHIO 44114-2294

D. PETER HOCHBERG*
SEAN F. MELLINO
DANIEL J. SMOLA

IAN M. SINGER**

OF COUNSEL

*ALSO ADMITTED IN
VIRGINIA AND NEW YORK

***ADMITTED IN NEW YORK ONLY

April 12, 2007

APR 12 2007

INTELLECTUAL PROPERTY LAW

PATENT TRADEMARK
AND COPYRIGHT LAW

TEL.: (216) 771-3800
FAX: (216) 771-3804

e-mail: dphochberg@aol.com

VIA FACSIMILE ONLY (571) 273-8300
9 PAGES TOTAL

U.S. Patent and Trademark Office
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Re: U.S. Patent Application No. 10/580,485
Title: *ORAL FORMULATIONS OF DEOXYPEGANINE AND
THEIR USES*
Filing Date: May 24, 2006
Our Ref. RO4246US (#90568)

To Whom It May Concern:

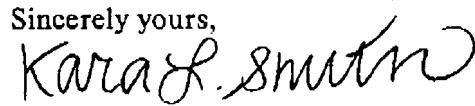
We have received the attached U.S. Filing Receipt for the above-referenced patent application.

Please note that the title is incorrect on the official U.S. Filing Receipt. The correct title is ORAL FORMULATIONS OF DEOXYPEGANINE AND THEIR USES. The correct title is shown on the attached Preliminary Amendment and Application Data Sheet which were submitted to the USPTO on May 24, 2006.

Furthermore, the city of residence for the first inventor is misspelled. The correct spelling of the first inventor's city of residence is Werne (not Warne). The correct spelling of the city of residence is also shown on the attached Application Data Sheet.

We look forward to receiving the corrected Filing Receipt in due course.

Sincerely yours,


Kara L. Smith

KLS/ks
Attachment

Apr. 12, 2007 12:30PM

No. 2605 P. 2



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPL NO.	FILING OR 371(c) DATE	ART UNIT	FIL FEE REC'D	ATTY.DOCKET NO	TOT CLMS	IND CLMS
10/580,485	05/24/2006	1614	900	RO4246US (#90568)	38	2

Sean F Mellino
D Peter Hochberg
1940 East 6th St-6th Floor
Cleveland, OH 44114

CONFIRMATION NO. 2532

FILING RECEIPT



OC000000023144414

Date Mailed: 03/30/2007

Receipt is acknowledged of this regular Patent Application. It will be considered in its order and you will be notified as to the results of the examination. Be sure to provide the U.S. APPLICATION NUMBER, FILING DATE, NAME OF APPLICANT, and TITLE OF INVENTION when inquiring about this application. Fees transmitted by check or draft are subject to collection. Please verify the accuracy of the data presented on this receipt. If an error is noted on this Filing Receipt, please mail to the Commissioner for Patents P.O. Box 1450 Alexandria Va 22313-1450. Please provide a copy of this Filing Receipt with the changes noted thereon. If you received a "Notice to File Missing Parts" for this application, please submit any corrections to this Filing Receipt with your reply to the Notice. When the USPTO processes the reply to the Notice, the USPTO will generate another Filing Receipt incorporating the requested corrections (if appropriate).

Applicant(s)

Joachim Moormann, Warne, GERMANY;
Klaus Opitz, Munster, GERMANY;
Hans-Rainer Hoffmann, Neuwied, GERMANY;

WERNE

Power of Attorney:

Sean Mellino--48817

Domestic Priority data as claimed by applicant

This application is a 371 of PCT/EP04/12606 11/08/2004

Foreign Applications

GERMANY 103 54 894.7 11/24/2003

If Required, Foreign Filing License Granted: 03/28/2007

The country code and number of your priority application, to be used for filing abroad under the Paris Convention, is **US10/580,485**

Projected Publication Date: 07/05/2007

Non-Publication Request: No

Early Publication Request: No

**** SMALL ENTITY ****

Title

Oral formulations of desoxy peganine and thereof uses

Preliminary Class

514

**ORAL FORMULATIONS OF DEOXYPGANINE
AND THEIR USES**
PROTECTING YOUR INVENTION OUTSIDE THE UNITED STATES

Since the rights granted by a U.S. patent extend only throughout the territory of the United States and have no effect in a foreign country, an inventor who wishes patent protection in another country must apply for a patent in a specific country or in regional patent offices. Applicants may wish to consider the filing of an international application under the Patent Cooperation Treaty (PCT). An international (PCT) application generally has the same effect as a regular national patent application in each PCT-member country. The PCT process **simplifies** the filing of patent applications on the same invention in member countries, but **does not result** in a grant of "an international patent" and does not eliminate the need of applicants to file additional documents and fees in countries where patent protection is desired.

Almost every country has its own patent law, and a person desiring a patent in a particular country must make an application for patent in that country in accordance with its particular laws. Since the laws of many countries differ in various respects from the patent law of the United States, applicants are advised to seek guidance from specific foreign countries to ensure that patent rights are not lost prematurely.

Applicants also are advised that in the case of inventions made in the United States, the Director of the USPTO must issue a license before applicants can apply for a patent in a foreign country. The filing of a U.S. patent application serves as a request for a foreign filing license. The application's filing receipt contains further information and guidance as to the status of applicant's license for foreign filing.

Applicants may wish to consult the USPTO booklet, "General Information Concerning Patents" (specifically, the section entitled "Treaties and Foreign Patents") for more information on timeframes and deadlines for filing foreign patent applications. The guide is available either by contacting the USPTO Contact Center at 800-786-9199, or it can be viewed on the USPTO website at <http://www.uspto.gov/web/offices/pac/doc/general/index.html>.

For information on preventing theft of your intellectual property (patents, trademarks and copyrights), you may wish to consult the U.S. Government website, <http://www.stopfakes.gov>. Part of a Department of Commerce initiative, this website includes self-help "toolkits" giving innovators guidance on how to protect intellectual property in specific countries such as China, Korea and Mexico. For questions regarding patent enforcement issues, applicants may call the U.S. Government hotline at 1-866-999-HALT (1-866-999-4158).

**LICENSE FOR FOREIGN FILING UNDER
Title 35, United States Code, Section 184
Title 37, Code of Federal Regulations, 5.11 & 5.15**

GRANTED

The applicant has been granted a license under 35 U.S.C. 184, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" followed by a date appears on this form. Such licenses are issued in all applications where the conditions for issuance of a license have been met, regardless of whether or not a license may be required as set forth in 37 CFR 5.15. The scope and limitations of this license are set forth in 37 CFR 5.15(a) unless an earlier license has been issued under 37 CFR 5.15(b). The license is subject to revocation upon written notification. The date indicated is the effective date of the license, unless an earlier license of similar scope has been granted

This license is to be retained by the licensee and may be used at any time on or after the effective date thereof unless it is revoked. This license is automatically transferred to any related applications(s) filed under 37 CFR 1.53(d). This license is not retroactive.

The grant of a license does not in any way lessen the responsibility of a licensee for the security of the subject matter as imposed by any Government contract or the provisions of existing laws relating to espionage and the national security or the export of technical data. Licensees should apprise themselves of current regulations especially with respect to certain countries, of other agencies, particularly the Office of Defense Trade Controls, Department of State (with respect to Arms, Munitions and Implements of War (22 CFR 121-128)); the Bureau of Industry and Security, Department of Commerce (15 CFR parts 730-774); the Office of Foreign Assets Control, Department of Treasury (31 CFR Parts 500+) and the Department of Energy.

NOT GRANTED

No license under 35 U.S.C. 184 has been granted at this time, if the phrase "IF REQUIRED, FOREIGN FILING LICENSE GRANTED" DOES NOT appear on this form. Applicant may still petition for a license under 37 CFR 5.12, if a license is desired before the expiration of 6 months from the filing date of the application. If 6 months has lapsed from the filing date of this application and the licensee has not received any indication of a secrecy order under 35 U.S.C. 181, the licensee may foreign file the application pursuant to 37 CFR 5.15(b).

Apr. 12. 2007 12:31PM

No. 2605 P. 5

RECEIVED
CENTRAL FAX CENTER

APR 12 2007

EXPRESS MAIL CERTIFICATION UNDER 37 CFR 1.10

"Express Mail" label number: EV713319551US
Date of deposit May 14, 2006

I hereby certify that the paper(s) identified above, and any document(s) referred to as attached hereto, is being deposited with the United States Postal Service on the date indicated in an envelope as "Express Mail Post Office to Addressee" and is addressed: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia, 22313-1450.

Christine Kotran
Christine Kotran

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Joachim Moormann, et al.

Serial No. :

Filing Date : Herewith

Examiner :

Group Art Unit:

Title : ORAL FORMULATIONS OF DEOXYPEGANINE AND
THEIR USES (as amended herein)

Attorney File : RO4246US (#90568)

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

PRELIMINARY AMENDMENT

Dear Sir:

Please amend the above-referenced application as follows:

In the Specification:

Please replace the specification as filed with the substitute specification enclosed herewith. The substitute specification is provided in both marked-up and clean forms, as required. No new matter has been added.

* * * Furthermore, please amend the title to "ORAL FORMULATIONS OF DEOXYPEGANINE AND THEIR USES," as noted in the marked-up and clean substitute specifications.

Practitioner's Docket No. RO4246US (#90568)

PATENT**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of: Joachim Moermann, et al.

**RECEIVED
CENTRAL FAX CENTER**

Application No.:

Group No.:

APR 12 2007

Filed:

Examiner:

For: Oral Formulations of Deoxypeganine and their Uses
(as amended per preliminary amendment filed herewith)

Preliminary Classification:
Proposed Class: A61K
Subclass: 31/519

Mail Stop PCT
Commissioner for Patents
P.O. Box 1450
Alexandria VA 22313-1450

APPLICATION DATA SHEET
37 C.F.R. § 1.76**BIBLIOGRAPHIC DATA****1. Applicant information****CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10***
(When using Express Mail, the Express Mail label number is *mandatory*;
Express Mail certification is optional.)

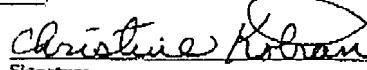
I hereby certify that, on the date shown below, this correspondence is being:

MAILING

is deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)
with sufficient postage as first class mail37 C.F.R. § 1.10*
as "Express Mail Post Office to Addressee"
Mailing Label No. EV713319551US (mandatory)**TRANSMISSION**

is facsimile transmitted to the Patent and Trademark Office, (703) _____


Signature

Christine Kotran

(type or print name of person certifying)

Date: 5/24/2006

* Only the date of filing (' 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under ' 1.8 continues to be taken into account in determining timeliness. See ' 1.705(f). Consider "Express Mail Post Office to Addressee" (' 1.10) or facsimile transmission (' 1.8(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

First applicant: Joachim Moermann
Citizenship: Germany
Residence: Schulstrasse 5, Werne, Germany 59368

Second applicant: Klaus Opitz
Citizenship: Germany
Residence: Görlitzerstrasse 102, Münster, Germany 48157

Third applicant: Hans-Rainer Hoffmann
Citizenship: Germany
Residence: Burghofstrasse 123, Neuwied, Germany 56566

2. Correspondence information

Correspondence for this application should be addressed as follows:

D. Peter Hochberg
D. Peter Hochberg Co., L.P.A.
1940 East 6th St. - 6th Floor
Cleveland, OH 44114
Customer No.: 28,672

3. Application information

Title of Invention: ORAL FORMULATIONS OF DEOXYPEGANINE AND THEIR USES

Docket number assigned to this application: RO4246US (#90568)
Suggested Classification: Class: A61K
Subclass: 31/519
Technology Center to which subject matter is assigned:

Total number of drawing sheets: 0

Type of application:

Utility

Application is to be published. Suggested drawing figure for publication: --

Secrecy order under § 5.2:

This application does not disclose subject matter of an application which is under a secrecy order pursuant to § 5.2.

4. Representative information

The following have a power of attorney or authorization of agent in this application:

D. Peter Hochberg - Reg. No. 24,603
D. Peter Hochberg Co., L.P.A.
1940 East 6th St. - 6th Floor
Cleveland, OH 44114
Customer No.: 28,672

Application Data Sheet--page 2 of 3

Sean F. Mellino - Reg. No. 48,817
D. Peter Hochberg Co., L.P.A.
1940 East 6th St. - 6th Floor
Cleveland, OH 44114
Customer No.: 28,672

5. Foreign priority information

Priority for this application is claimed as follows:

35 U.S.C. § 365(c): Application No.: PCT/EP2004/012606
Filed: November 8, 2004
Status: Pending
Relationship: International application

Foreign priority is claimed for this application as follows:

Country: Germany
Application No.: 103 54 894.7
Filing Date: November 24, 2003
Status: Pending

6. Assignee information

The assignee(s) of this application is/are:

HF Arzneimittelforschung GmbH
St. Johannes 5
Werne, Germany 59368

Extent of interest of assignee in application: 100%

Date: May 14, 2007

Sean F. Mellino
Sean F. Mellino
Registration No. 48,817
D. Peter Hochberg Co., L.P.A.
1940 East 6th St. - 6th Floor
Cleveland, OH 44114
US
Phone: 216-771-3800
Fax: 216-771-3804
Email: dphdocket@aol.com